

REMARKS

Applicants would like to renew their prior request that the Examiner indicate that the references included in Applicants' first two IDSes have been considered, those being a first IDS filed on February 11, 2002 and a supplemental IDS filed on May 29, 2002. In particular, Applicants request that the Examiner acknowledge consideration of those two previously submitted IDSes by initialing each reference on copies of the IDSes and returning the copies to the Applicants' representative. Applicants have included copies of those two previously filed IDSes for the sake of convenience of the Examiner.

Overview

Claims 58-65 currently stand allowed.

The Examiner also responded in the prior Office Action as follows: rejected claims 9-10, 13-17, 20-22, 24-51, 53-57, and 66-67 under 35 U.S.C. § 102(e) as being anticipated by Johnson et al. (U.S. Patent No. 6,553,336); rejected claims 11-12, 18-19, 23 and 81 under 35 U.S.C. § 103(a) as being unpatentable over Trusheim et al. (U.S. Patent No. 6,385,589); and rejected claim 53 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants hereby amend claims 50 and 58 in order to clarify the subject matter of their invention. Applicants further hereby cancel claim 53 and add new claims 82-114. Thus, claims 9-51, 54-67 and 81-114 are now pending.

Analysis

Applicants thank the Examiner for the indication of allowable subject matter with respect to previously pending independent method claim 58 and claims 59-65 that depend from claim 58. Applicants have added new dependent claims 82-113 that each depend from claim 58, and thus are each believed to be allowable for at least the same reasons as claim 58. Applicants also note that claim 58 has been amended to correct a grammatical error introduced into claim 58 during the prior Amendment filed December 14, 2005 – in particular, a second claim element was inadvertently added that was largely identical in scope to the first claim element, and that redundant second claim element has now been removed. As this current amendment is not

believed to change the scope of claim 58, claim 58 is believed to continue to be allowable for at least the same reasons as before.

In addition, independent computer-readable medium claim 50 has been amended to recite claim elements similar to those of independent method claim 58, and thus is believed to be allowable over the cited prior art for at least the same reasons as claim 58, as are claims 51 and 114 that depend from claim 50. Claim 50 is discussed in further detail below.

The Examiner has rejected claim 53 under 35 U.S.C. § 101 because it is directed to non-statutory matter. While Applicants disagree with the Examiner's assertion that claim 53 was directed to non-statutory subject matter, claim 53 has been canceled, and thus this rejection is now moot.

The Examiner has rejected the other previously pending claims 9-10, 13-17, 20-22, 24-51, 54-57 and 66-67 under 35 U.S.C. § 102(e) as being anticipated by Johnson, and claims 11-12, 18-19, 23 and 81 under 35 U.S.C. § 103(a) as being unpatentable over Trusheim. However, as previously indicated, the pending application is a continuation-in-part of a prior application filed in December of 1998 (U.S. Application No. 09/216,193), and at least some of the pending claims are fully enabled and described by that prior '193 application. Thus, for each of those claims, Johnson (filed in June of 2000 with a priority claim to a provisional application filed in June of 1999) and Trusheim (which was also filed after that prior application) are not valid prior art, and accordingly each of those claims are patentable over Johnson and Trusheim. The Examiner has asserted in the prior Office Action that the prior '193 application fails to describe "accepting clients' interest in receiving one or more values from one or more sources and automatically supplying these values to the clients upon receipt of these values from the sources." (Office Action dated February 7, 2006, page 4.) Applicants dispute this assertion by the Examiner, and note that the pending application indicates that "[c]ontext attributes (or 'condition variables') are discussed in greater detail in . . . U.S. Patent Application No. 09/216,193, filed December 18, 1998" (on lines 7 and 8 of page 7 of the pending application as filed), and that the following disclosure from the prior '193 application is one example of relevant disclosure in the prior '193 application.

a "CDOS . . . system monitors the user and the user's environment, and creates and maintains an updated model of the current condition of the user . . . In one embodiment, the model of the user's current condition includes a variety of

condition variables that represent information about the user and the user's environment at varying levels of abstraction. . . . a variety of sensors can provide information about the current physiological state of the user, geographical and spatial information (e.g., location and altitude), and current user activities . . . The model of the user's condition can additionally include information added explicitly from other sources", with the added information including "new values for existing condition variables". . . .

it is possible "to automatically notify the external entities [such as an application program] of the values of one or more user condition variables, such as by pushing that information to the external entities when changes occur in the values or by periodically notifying the external entities of the current values." Prior U.S. Application No. 09/216,193, filed December 18, 1998, 5:8-15:17, emphasis added.

A definition of push functionality from page 305 of Webster's New World Computer Dictionary, Tenth Edition (2003) indicates "a content-delivery mechanism[s], in which users subscribe to what amounts to a broadcasting service, which subsequently delivers content to the user's computer without the user having to make further requests for information." Such push technology is to be contrasted with "pull" technology, in which information is provided to a client in response to an explicit request – *see, for example*, Microsoft's Computer Dictionary, Fifth Edition, which indicates that "[p]ush was developed as a means of relieving users from have to actively retrieve ('pull') information" (from the definition of "push" on page 431). The pending application further describes related functionality in a variety of locations, including by indicating that a characterization module may implement "a 'push' information flow model in which, each time an attribute value provided by a context server changes, the new value is automatically provided to context clients." (pending application as filed, 22:27-30.)

Thus, the prior application does describe automatically supplying values from one or more sources to clients in a push manner without having received a corresponding explicit request for the values, and the prior application does provide sufficient enablement and description for at least some of the pending claims. Accordingly, those pending claims are patentable over Johnson and Trusheim.

Moreover, even if Johnson and Trusheim were valid prior art, each of the claims as previously rejected and as amended includes features and provides functionality not disclosed by those references. For example, as previously noted, Johnson appears to lack any teaching or suggestion of clients expressing interest in receiving values of specified state attributes, or of a

computing system that automatically supplies such state attribute values to the clients when the values are later received based on those previously expressed interests. Similarly, Trusheim appears to lack any teaching, suggestion, or motivation for receiving from a client an indication of an interest in receiving values for an indicated modeled state attribute, and then later supplying values in accordance with that expressed interest.

Conversely, previously rejected claim 9 recites “receiving from a first client an indication of an interest in receiving all values for an indicated one of the state attributes of the modeled current state” and “in response to each receiving of a value for the indicated one attribute from a first source, automatically supplying the received value to the first client based on the received indication of the interest from the first client” (emphasis added). Independent claims 50, 54, 57, 66, and 67 each recite similar language, and thus all of these claims are patentable over Johnson and Trusheim for at least this reason, as are the claims that depend from those claims.

In response to Applicants’ previous explanation of these deficiencies in Johnson and Trusheim, the Examiner has asserted that notifications in Johnson may be performed for “many different ... values”, such as when values are too high or too low, and that it would be obvious to modify Trusheim to allow users to specify such types of notifications (Office Action dated February 7, 2006, page 4-6). However, the Examiner thus appears to implicitly admit that Johnson and Trusheim teach and suggest only providing certain values that satisfy predefined criteria, and the Examiner has failed to address the recited claim language above related to a client expressing “an interest in receiving all values for an indicated” state attribute, as discussed in the prior response by Applicants.

Thus, for this reason as well, all of the pending claims are further patentable over Johnson and Trusheim.

In addition, various of the dependent claims are further patentable for additional reasons based on their recited claim elements, although they are not individually discussed here for the sake of brevity.

Conclusion

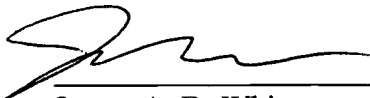
In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a

Application No. 09/724,892
Reply to Office Action dated February 7, 2006

telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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Enclosure:

Postcard

Petition for Extension of Time

Copies of 2 unacknowledged IDSes previously filed on 02/11/02 and 05/29/02

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